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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte STEVEN SORIA JR., DONALD ALLAN WEIL, GERALD
EDWARD KOZINA, CHENHUEI J. CHIANG, LYNDA ARNOLD
HANSEN, MAYANK VIPIN SHAH, and THOMAS S. LEE

Appeal 2009-004280
Application 09/960,769
Technology Center 2100

Decided: March 8, 2010

Before ST. JOHN COURTENAY, III, THU A. DANG, and CAROLYN D.
THOMAS, *Administrative Patent Judges*.

DANG, *Administrative Patent Judge*.

DECISION ON APPEAL

I. STATEMENT OF CASE

Appellants appeal the Examiner's final rejection of claims 1-8 and 10-43 under 35 U.S.C. § 134(a). Claim 9 is canceled. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

A. INVENTION

According to Appellants, “[t]he present invention pertains to data management systems and, in particular, to a system, method, and article of manufacture for providing data versioning support for data management systems” (Spec. 1, ll. 6-8).

B. ILLUSTRATIVE CLAIM

Claim 1 is exemplary and reproduced below:

1. A method for supporting versioning of data in a content management system, said method comprising:

maintaining a first table for storing an identifier of a most recent version of a data item; and

maintaining a second table for storing an identifier of an older version of said data item,

wherein, when said data item is to be updated, (i) said second table is updated to include said identifier of said most recent version of said data from said first table, and (ii) said first table is updated to identify a new version of said data item.

C. REJECTION

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Schwartz	US 2002/0073089 A1	Jun. 13, 2002
Duvillier	US 2002/0103815 A1	Aug. 1, 2002
Akkary	US 6,591,342 B1	Jul. 8, 2003
Sinander	WO 99108206	Feb. 18, 1999

Claims 1-6, 8, 10, 12-15, 17-22, 24, 25, 27-29, 31-36, 38, 39, 41, and 42 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Sinander.

Claims 7, 23, and 37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sinander in view of Akkary.

Claims 11, 26, and 40 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sinander in view of Duvillier.

Claims 16, 30, and 43 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sinander in view of Schwartz.

II. ISSUE

Have Appellants shown the Examiner erred in finding that Sinander's systemtable teaches the "data item," "first table," and "second table" of claim 1, "wherein, when said data item is to be updated, (i) said second table is updated to include said identifier of said most recent version of said data from said first table, and (ii) said first table is updated to identify a new version of said data item"?

III. FINDINGS OF FACT

The following Findings of Fact (FF) are shown by a preponderance of the evidence.

Sinander

- 1) Sinander discloses a method for upgrading a database (p. 5, l. 1).
- 2) During upgrading, a “systemtable” holds references to old and new versions of database functions, called “stored procedures,” that are to be upgraded (i.e. replaced by new versions) (p. 6, ll. 20-24; p. 7, ll. 1-4).
- 3) The systemtable includes four columns with the following entries for each stored procedure: “name of stored procedure known to the system” (e.g., “sp_a”), “base version” (e.g., “sp_a_1.0”), “target version” (e.g., “sp_a_1.1”), and “upgrade version” (e.g., “sp_a_upgr”) (p. 7, ll. 10-22).
- 4) The “base version” (e.g., “sp_a_1.0”) of a stored procedure is the currently accepted and used version (p. 7, ll. 23-35).
- 5) The “target version” (e.g., “sp_a_1.1”) of a stored procedure is the new version to be added by an upgrade (p. 8, ll. 4-6).
- 6) The “upgrade version” (e.g., “sp_a_upgr”) of a stored procedure is used, during the upgrade process, to update new and old tables for data (p. 8, ll. 9-12).

IV. PRINCIPLES OF LAW

In rejecting claims under 35 U.S.C. § 102, “[a] single prior art reference that discloses, either expressly or inherently, each limitation of a

claim invalidates that claim by anticipation.” *Perricone v. Medicis Pharm. Corp.*, 432 F.3d 1368, 1375 (Fed. Cir. 2005) (citation omitted).

“Anticipation of a patent claim requires a finding that the claim at issue ‘reads on’ a prior art reference.” *Atlas Powder Co. v. IRECO, Inc.*, 190 F.3d 1342, 1346 (Fed Cir. 1999). “In other words, if granting patent protection on the disputed claim would allow the patentee to exclude the public from practicing the prior art, then that claim is anticipated, regardless of whether it also covers subject matter not in the prior art.” *Id.* (citations omitted).

V. ANALYSIS

35 U.S.C. § 102

As to independent claim 1, Appellants acknowledge that the target version and base version columns of Sinander’s systemtable can be regarded as separate tables, but argue that they do not teach the recited “first table” and “second table” because Sinander “does not teach that the base version column is updated from the target version column” (App. Br. 13; emphasis omitted).

The Examiner finds that Sinander teaches the recited “first table” and “second table” by way of updating the systemtable’s base version and target version columns (Ans. 10).

Thus, an issue we address on appeal is whether Appellants have shown the Examiner erred in finding that Sinander’s systemtable teaches the “data item,” “first table” and ‘second table’ of claim 1, “wherein, when said data item is to be updated, (i) said second table is updated to include said identifier of said most recent version of said data from said first table, and (ii) said first table is updated to identify a new version of said data item.”

Sinander discloses a method for upgrading a database (FF 1). During upgrading, a “systemtable” (reproduced below) holds “references” to both old and new versions of database functions, called “stored procedures,” that will also be upgraded (FF 2). The systemtable has four columns that provide the following entries for each stored procedure: “name of stored procedure known to the system,” “base version,” “target version,” and “upgrade version” (FF 3). The “base version” (e.g., “sp_a_1.0”) is the currently accepted and used version (FF 4). The “target version” (e.g., “sp_a_1.1”) is the new version to be added by the upgrade (FF 5). The “upgrade version” (e.g., “sp_a_upgr”) is used, during the upgrade process, to update new and the old data tables (FF 6).

Table 1

name of stored procedure known to the system	base version	target version	upgrade version
sp_a	sp_a_1.0	sp_a_1.1	sp_a_upgr
sp_b	sp_b	-	-
sp_c	sp_c_1.0	sp_c_1.1	sp_c_upgr
...

As acknowledged by Appellants, a skilled artisan would have understood that the “base version” and “target version” columns of Sinander’s systemtable are separate tables (App. Br. 13).

The skilled artisan would have also understood that, if a database is upgraded, the systemtable will reflect that upgrade by changing a stored

procedure's "base version" entry to its "target version" entry (e.g., from "sp_a_1.0" to "sp_a_1.1"); and by changing the stored procedure's "target version" entry to show the next version to be added (e.g., from "sp_a_1.1" to "sp_a_1.2"). Thus, the skilled artisan would have understood Sinander's "target version" column as being a "first table ... updated to identify a new version of said data item" (i.e., to identify the next stored procedure version to be added); and Sinander's "base version" column as being a "second table ... updated to include said identifier of said most recent version of said data from said first table" (i.e., updated from the "target version" column to identify the most recently accepted stored procedure version).

For the above reasons, we agree with the Examiner's finding that Sinander teaches the recited "first table" and "second table" (Ans. 10). Appellants have not shown the Examiner erred in finding that Sinander's systemtable teaches the "data item," "first table," and "second table" of claim 1, "wherein, when said data item is to be updated, (i) said second table is updated to include said identifier of said most recent version of said data from said first table, and (ii) said first table is updated to identify a new version of said data item."

Accordingly, we affirm the rejection of claim 1, and dependent claims 2-6, 8, 10, and 12-15 falling therewith, under 35 U.S.C. § 102(b) as being anticipated by Sinander. As Appellants do not provide separate arguments for independent claims 17 and 31, we also affirm the rejection of claims 17 and 31, and dependent claims 18-22, 24, 25, 27-29, 32-36, 38, 39, 41, and 42 falling therewith, under 35 U.S.C. § 102(b) as being anticipated by Sinander.

35 U.S.C. § 103(a)

As to the rejections under 35 U.S.C. § 103(a), Appellants contend that Akkary, Duvillier, and Schwartz do not “make up for the deficiency of the Sinander” as it relates to claims 1, 17, and 31 (App. Br. 14-15). However, as discussed above, we find no deficiency regarding Sinander. As such, we affirm the rejection of claims 7, 23, and 37 under 35 U.S.C. § 103(a) as being unpatentable over Sinander in view of Akkary; the rejection of claims 11, 26, and 40 under 35 U.S.C. § 103(a) as being unpatentable over Sinander in view of Duvillier; and the rejection of claims 16, 30, and 43 under 35 U.S.C. § 103(a) as being unpatentable over Sinander in view of Schwartz.

VI. CONCLUSIONS

Appellants have not shown the Examiner erred in finding that claims 1-6, 8, 10, 12-15, 17-22, 24, 25, 27-29, 31-36, 38, 39, 41, and 42 are anticipated by the teachings of Sinander.

Appellants have not shown the Examiner erred in finding that claims 7, 23, and 37 are unpatentable over the teachings of Sinander in view of Akkary.

Appellants have not shown the Examiner erred in finding that claims 11, 26, and 40 are unpatentable over the teachings of Sinander in view of Duvillier.

Appellants have not shown the Examiner erred in finding that claims 16, 30, and 43 are unpatentable over the teachings of Sinander in view of Schwartz.

VII. DECISION

The Examiner's decision rejecting claims 1-6, 8, 10, 12-15, 17-22, 24, 25, 27-29, 31-36, 38, 39, 41, and 42 under 35 U.S.C. § 102(b) is affirmed.

The Examiner's decision rejecting claims 7, 11, 16, 23, 26, 30, 37, 40, and 43 under 35 U.S.C. § 103(a) is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

peb

OHLANDT, GREELEY, RUGGIERO & PERLE, L.L.P.
IBM SAN JOSE
1 LANDMARK SQUARE
10TH FLOOR
STEMFORD, CT 06901